

REMARKS

Claims 1, 3-24, and 26-34 are pending in this application.

Claims 1, 3-24, and 26-34 have been rejected.

Claims 1, 7, 12, 15, 17, 22, 24, 27, and 32-33 have been amended as shown above.

Claims 2 and 25 were previously cancelled.

Claims 33 and 34 have been added.

Claims 1, 3-24, and 26-34 are now pending in this application.

Reconsideration and full allowance of Claims 1, 3-24, and 26-34 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 112

The Office Action rejects Claims 7, 12, 17, 27, and 32-33 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The amendments to the claims resolve the issued raised in the Office Action. Accordingly, the Applicant respectfully requests withdrawal of the § 112 rejection.

II. REJECTION UNDER 35 U.S.C. § 101

Claims 1-2, 4-14, and 34 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory matter. Claim 1 has been amended. This amendment is respectfully submitted to overcome the 101 rejection.

II. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 5, 8, 13-16, 18, 20-22, 24, 26-28, and 30-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,154,730 to *Adams et al.* (“Adams”) in view of *Christianitytoday.com* (“Christianitytoday”), in further view of U.S. Patent Publication No. 2003/0233267 to *Hertel-Szabadi* (“Hertel-Szabadi”).

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October 2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *Id.*

1. (Currently Amended) A method, comprising:
a memory operable to store information identifying a plurality of facilities in a complex, each facility associated with a construction project, wherein the complex comprises a church and at least one of the facilities comprises an auditorium in the church; and

a processor configured to perform the steps of:
determining a potential revenue associated with at least one of the facilities;
determining a cost associated with at least one of the facilities;
and
generating a schedule of the construction projects using the determined potential revenue and the determined cost;
wherein determining the potential revenue comprises:
estimating future growth in a number of people attending church services at the church, *wherein the future growth is determined using at least one growth estimate, wherein the growth estimate uses the past growth rate of the church and the potential growth rate of the church; and*
estimating an amount of donations given to the church during a future time period, wherein the estimated amount of donations is based at least in part on the estimated future growth in the number of people attending the church services; and
wherein the processor is configured to output the results of the previous steps onto a computer readable medium.

Claims 1, 15, 22, and 24 are amended above to include the element "*wherein the future growth is determined using at least one growth estimate, wherein the growth estimate uses the past growth rate of the church and the potential growth rate of the church,*" which is supported by paragraph [0034] of the specification, as filed. Applicant maintains that Adam, Hertzel-Szabadi, Christianitytoday.com, Eliot, and Wakelam, either individually or in combination, don't disclose, teach, suggest any desire, necessity or, importance for using both the past growth rate and the potential growth rate to estimate future growth rate.

Accordingly, the Applicant respectfully requests withdrawal of the 103 rejections of Claims 1, 3-24, and 26-34.

Applicant also respectfully notes that the limitations added to each of the independent claims come directly from the respective dependent claims. As such, these limitations have already been fully considered, searched, and examined. Entry of these amendments is respectfully requested as they can not require any further search or consideration.

CONCLUSION

If any issues arise or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *btaylor@munckcarter.com*.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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